IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 27TH JUNE 2007 / 6TH ASHADHA 1929

WP(C).No. 19676 of 2007(P)

PETITIONER:

GOLDEN PLAZA TOURIST HOME PVT LTD.,
REP.BY ITS DIRECTOR,
17/66-A, KRS BUILDING, I.G.ROAD, KOZHIKODE-
673 001.

BY ADV. SRI.P.R.RAMACHANDRA MENON

RESPONDENTS:

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1. STATE OF KERALA,
REP.BY THE SECRETARY TO THE LOCAL SELF GOVT.
(M) DEPARTMENT, GOVT. SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CHIEF TOWN PLANNER,
GOVT. OF KERALA, THIRUVANANTHAPURAM.

3. THE REGIONAL TOWN PLANNER,
REGIONAL TOWN PLANNING OFFICE, ERNAKULAM.

4. CORPORATION OF KOCHI,
REP.BY ITS SECRETARY,
PARK AVENUE, BOAT JETTY, KOCHI-11.

5. THE TOWN PLANNING OFFICER,
CORPORATION OF KOCHI,
PARK AVENUE, BOAT JETTY, KOCHI-11.

BY SR. GOVT. PLEADER SRI. P.N. SANTHOSH.
BY SC. SRI. S. RAMESH BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.19676 of 2007

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Dated this the 27th day of June, 2007

JUDGMENT

Petitioner has approached this court challenging Ext.P4 and seeking a direction to consider the application for building permit in tune with KMBR 1999 with regard to the FAR on the basis of Ext.P7 judgment.

2. Heard counsel for the Corporation and the Government Pleader also.

3. Apparently the case of the petitioner is based on Ext.P7 judgment of this court. Learned counsel for the Corporation submits that if the petitioner has given the application before the cut off date, that is, 28.8.2006, petitioner is also entitled to the same treatment. It is stated that in Ext.P4 the respondent has proceeded on the basis that the petitioner has filed the application on 14.8.2006. The said date is before the cut off date.

In such circumstances, the writ petition is disposed of recording the submission of the counsel for the Corporation that if the petitioner has filed the application before 28.8.2006, it will be considered in

accordance with the FAR permitted under KMBR, 1999. Ext.P4 is quashed so that the matter can be reconsidered in accordance with law. The matter will be reconsidered in accordance with law within a period of one month from the date of receipt of a copy of this judgment.

(K.M. JOSEPH, JUDGE)

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